



THE ATTORNEY GENERAL OF TEXAS

GROVER SELLERS
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WILL WILSON
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. L. D. Griffin
County Attorney
Jim Wells County
Alice, Texas

Dear Sir:

Opinion No. 0-7358

Re: Time limit in which an independent candidate may have his name placed upon the official ballot for the general election where the first primary was declared void.

Your letters of September 13th and September 19th requesting the opinion of this department have been received. The questions stated therein are as follows:

"(1) May a candidate have his name placed upon the Official Ballot as an independent candidate for the office of Sheriff by complying with the terms of Articles 3159 and 3162 more than thirty (30) days after the General Primary where the nomination for said office was declared void by the District Court and where there was no second primary conducted for the nomination for Sheriff?

"(2) Should the foregoing be answered in the affirmative, then is such candidate barred from having his name placed on the official ballot by petition, if he has participated as a voter in the Primary Election that was held void by the District Court?

"(3) Are either of the candidates who participated in the Primary Election that was declared void, barred from having their names placed on the official ballot for independent candidate by reason of the fact that he was a candidate for the nomination in the Democratic Primary for the office of sheriff?"

There was but one primary in Jim Wells County as far as the Democratic nomination for sheriff was concerned, so it

necessarily follows that the thirty (30) days must be dated from the general primary election day which would require an independent candidate to file his application by the 26th day of August, 1946.

Because we have answered your first question in the negative, there is no need to answer your second and third questions.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/ Jno. C. Knorpp
Assistant

JCK:djm;djm;wc

Approved Oct. 7, 1946
Harris Toler
First Assistant
Attorney General

This opinion considered and approved in limited conference.

Approved: Opinion Committee By bwb Chairman